



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TANG CAPITAL PARTNERS, LP.,

Plaintiff,

- against -

BRC Inc.,

Defendant.
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22-CV-3476 (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves the parties' dispute about whether the deposition of Plaintiff's officers should take place in California, where they work and reside, or New York, where Plaintiff filed suit pursuant to the forum selection clause of the warrants at issue. (See Dkts. 125-126.) Plaintiff may elect either of the following: (1) travel to New York for the depositions as scheduled (or, if Defendant agrees, at a mutually convenient date prior to January 31, 2024), or (2) proceed with the depositions in California, in which instance Plaintiff shall pay the reasonable costs of travel (air and hotel, but not meals) to California for two defense counsel (or other legal personnel) for the depositions as scheduled. Plaintiff must make its election in writing to Defendant by January 3, 2024. If Plaintiff fails to do so, the depositions shall proceed in New York as scheduled.

SO ORDERED.

A handwritten signature in black ink, appearing to read "RWL", with a long horizontal line extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: December 29, 2023
New York, New York